

REMARKS/ARGUMENTS

The claims are 38, 39, 42-44, 47, 48, 52, 53, 56-61, 63, 64 and 66. Claim 38 has been amended to better define the invention and to incorporate subject matter previously appearing in claims 49-51. Accordingly, claims 49-51 have been canceled and claims 53 and 61 which previously depended on claim 50 and claims 52 and 66 which previously depended on claim 51, have been amended to depend on claim 38. Reconsideration is expressly requested.

Claims 38 and 47-51 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Salari U.S. Patent No 1,281,846*. Claims 38 and 47-49 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Provenzano U.S. Patent No. 2,715,001*. Claims 39, 43, 52, 63, 64 and 66 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Salari* alone (claims 43, 52, 63 and 66), or in view of *Summers U.S. Patent No. 3,294,346* (claim 39), or *Barecki U.S. Patent No. 3,630,566* (claim 64). The remaining claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Provenzano* in view of *Ladika et al. U.S. Patent No. 5,663,520* (claim 42), *Miguel U.S. Patent No. 4,404,889* (claim 44), *Bottcher et al. Canadian Patent No. 2,402,753* (claims 50 and 61), *Bottcher et al.* and *Knoll et al. U.S. Patent No. 6,378,939*

(claims 53, 57, 59, and 60), or *Bottcher et al.*, *Knoll et al.*, and *Hoffman U.S. Patent No. 6,267,440* (claims 56 and 58).

In response, Applicants have amended claim 38 to better define the invention and respectfully traverse the Examiner's rejection for the following reasons.

Claim 38 has amended to specify the formation of the base element as a base plate. With Applicants' modular shelter system as recited in claim 38 as amended, the base element formed as base plate 3 of accommodation system 2 is stored uncoupled from the floor of housing 1. Fixed and/or shock-resistant and/or energy-resistant and/or impact-absorbent or resistant structures 9 are arranged in the space/interstice A between base plate 3 and the bottom of housing 1. These structures 9 have a reinforcement structure in the form of a floor support or in the form of a frame structure.

It is respectfully submitted that none of these cited references discloses or suggests an accommodation system having the features specified above, which is uncoupled from the floor of the housing, whereby respectively formed, fixed and/or shock-resistant and/or energy resistant and/or impact-absorbent

structures are provided between the base element formed as a base plate and the bottom of the housing.

Applicants' previous amendment filed January 25, 2010 discussed in detail the differences between Applicants' modular shelter system and *Salari*. For example, in *Salari*, pressure springs are provided between an outer and inner wall of the capsular housing, and a spring element is provided between a seat fastened on the lateral inner wall and the lower area of the inner wall. With *Salari*'s arrangement, the person placed on the seat touches thereby with his or her feet the spherical inner wall of the capsule. *Salari* also fails to disclose or suggest any information regarding manufacturing the housing by means of winding technology as recited in Applicants' claim 38 as amended.

The newly-cited reference to *Provenzano* concerns equipment provided specifically for aeronautics. In *Provenzano*, the passenger cabin is surrounded by a respective protective layer. Spiral springs are provided within the double-walled plane body (in a hollow space). The inner and outer wall defining this hollow space are padded, fire-resistant, elastically formed. There is no disclosure or suggestion in *Provenzano* about winding technology.

Moreover, the floor (21) on which the seats are fastened and under which the package room of the plane is situated in *Provenzano*, for example, is not separately supported. In this connection, it is assumed that the Examiner is comparing the inner layer 25, 26, 28 of *Provenzano* with Applicants' accommodation system as set forth in claim 38 as amended, which is arranged opposite the outer layer 31, 32, 34, 36 on top of the springs 30 in an elastic/energy-absorbent manner.

In *Provenzano* as well as in *Salari*, a double-walled (oval or ball-shaped) housing is provided in which are arranged pressure springs between an inner wall and an outer wall for energy absorption. No uncoupled accommodation system from the floor of the housing is provided within the area surrounded by the inner wall in either of these systems.

Accordingly, it is respectfully submitted that neither *Salari* nor *Provenzano* can anticipate or render obvious Applicants' modular shelter system as recited in claim 38 as amended.

The remaining references to *Barecki*, *Ladika et al.*, *Miguel*, *Bottcher et al.*, *Knoll et al.* and *Hoffman* have been considered but are believed to be no more relevant. None of these references


discloses or suggests a modular shelter system having the structure set forth in Applicants' claim 38 as amended, including the features wherein a space/interstice is present between the base element formed as a base plate of the accommodation system that is uncoupled from the floor of the housing and the floor of the container, fixed and/or shock-resistant and/or energy resistant and/or impact-absorbent structures disposed in the space/interstice wherein the base element does not rest against the housing, and structures having a reinforcement structure in the form of a floor supporter in the form of a frame structure.

Accordingly, it is respectfully submitted that claim 38 as amended together with claims 39, 42-44, 47-48, 52-53, 56-61, 63, 64 and 66, which depend directly or indirectly thereon, are patentable over the cited references.

In summary, claims 38, 52, 53, 61 and 66 have been amended, and claims 49-51 have been canceled. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted
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